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FATAL COMPROMISE.....by Joan Kennedy Taylor

REVIEWS

BACK TO NOWHERE
a review of Sir Thomas More's *Utopia*.....by Elenore Boddy

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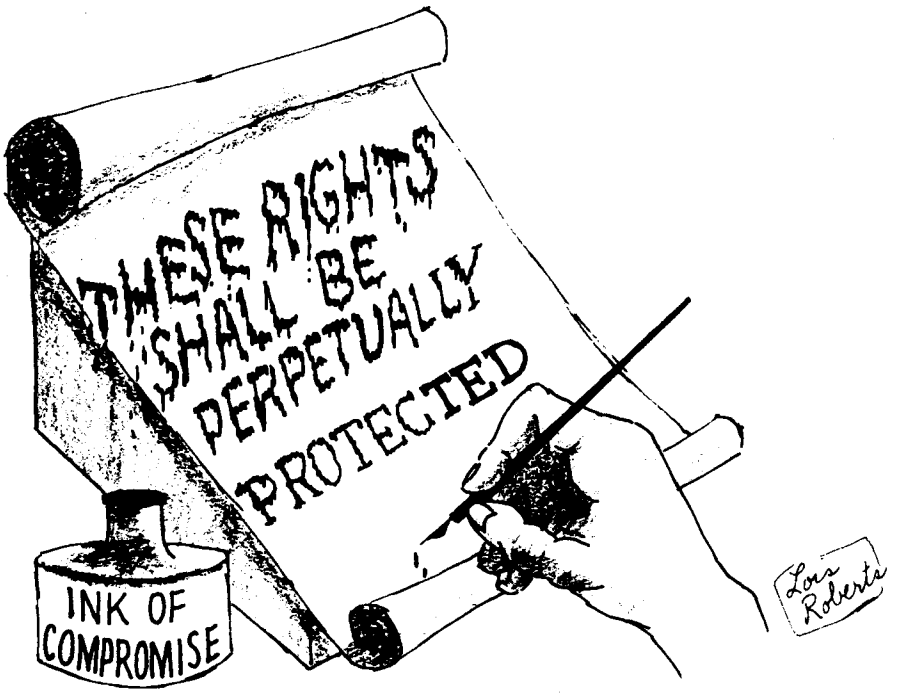
VIEWS



Slavery:

America's Fatal Compromise

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John Locke, the philosopher who most influenced the founders of America, stated that a man's life, liberty and estate were all his property, and that governments were founded for the preservation of property. "The state of Nature has a law of Nature to govern it," he said, "which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."

On June 12, 1776, the Virginia Declaration of Rights, written by George Mason, was adopted by the Colony of Virginia. Its Article I held "That all Men are by Nature equally free and independent, and have certain inherent Rights, of which, when they enter into a State of Society, they cannot, by any Compact, deprive or divest their Posterity; namely, the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursuing and obtaining Happiness and Safety."

And yet we now live in an age in which a popular political play has as its supposedly idealistic hero a presidential candidate who says that he is not sure whether or not property rights exist; an age in which a real-life President, Lyndon Baines Johnson, invoked in his inaugural address "Justice, Liberty and union" as this nation's founding principles, and characterized justice as "the promise that all who made the journey would share equally in the fruits of the land."

What has happened to the right of property? It seems to be very clear that life, liberty and property were once considered to be interconnected aspects of a new view of the proper relationship of man to the state. Has the concept of rights been repudiated

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in the intervening years? No, it has not. Everyone in American political life is for rights. It is merely hard for people to agree on exactly what they are.

The answer to the question, What has happened to the right of property in American political thought? is the explosion of the truism that politics is the art of compromise. It is because politicians and theoreticians were willing to compromise on an issue of rights in the early years of our history that we face today a split concept of rights--property rights are considered in opposition to "human" rights, the rights to life and liberty.

Politics should be considered the art of implementing rights. Because it has not been so considered, the concept of rights itself has been clouded, and therefore so has the concept of the proper limitations of government. And of all the issues which have been improperly the subject of compromise in American political history, by far the most important is the issue of slavery.

The sad fact is that for many years those who were most brilliant in their analysis of rights, those who were most incisive in their understanding of free trade and a free market, were willing to use the concept of rights to violate the rights of others.

The Declaration of Independence was originally drafted by Thomas Jefferson, who was one of a committee appointed by the Second Continental Congress for that purpose. Changes were made in the document before it was adopted by Congress--and one of the most startling changes was the omission of the following passage about George III of England:

"He has waged cruel war against human nature itself,

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violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* king of Great Britain. Determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* also obtruded them: thus paying off former crimes committed against the liberties of one poeple, with crimes which he urges them to commit against the *lives* of another."

Why was this omitted? Jefferson speculated about it in his notes on the subject: "The clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who in the contrary still wished to continue it. Our Northern brethren also I believe felt a little tender under those censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others."

Whoever they were, very apparently there were others besides the King of England who were "determined to keep open a market where men should be bought & sold," and they were able to prevail upon the majority. This was the first opening chink in the fabric of rights in the United States, and it occurred even before there *was* a United States. It must have seemed like such a small

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thing--not a real compromise with principle, merely a decision not to discuss a certain area.

But once it had been admitted that for purposes of political unity the subject of slavery was one that could rightfully be made the object of political compromise, such compromise inevitably went further.

And so the next step in the weakening of the theory of rights was taken in the Constitutional Convention. Thomas Jefferson wasn't there. George Mason of Virginia and others fought for an anti-slavery clause--and lost the fight. Worse than that, the Constitution as finally adopted sanctioned slavery in three places by recognizing its existence. Article I, Section 2, Paragraph 2, which provided for the apportionment of representation and direct taxes by population, "which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons." Article I, Section 9, Paragraph 1, was the compromise result of disagreement over the slave trade. "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each person." (The African slave trade was prohibited in 1808.) And lastly, the Fugitive Slave provision, which was to be the basis on which the Abolitionists exhorted people to obey a "higher moral law" than the law of the land: Article IV, Section 2, Paragraph 3: "No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on

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Claim of the Party to whom such Service or Labour may be due."

Now, there were other sections in the Constitution which today might be seen as institutionalizing the violation of rights. The powers of eminent domain and of taxation, to name but two, have served as precedents to enlarge government power far beyond the scope originally planned by the framers of the Constitution. But these areas had not yet been identified as explicit contradictions to the principles on which the Constitution was supposedly based. It is not so with the clauses dealing with slavery. George Mason said in 1787, "Slavery brings the judgment of heaven upon a country. As nations cannot be rewarded or punished in the next world, they must be in this." The very language which was finally adopted shows a reluctance to put into plain words what was being discussed: the word "slave" is never mentioned. The result was a document which guaranteed that all men are created equal and shall not be deprived of life, liberty and property without due process of law--except Other Persons.

To many Europeans the contradiction of principle was obvious and inexcusable. A young Irish poet, Tom Moore, who was nine years old when the American Constitution was ratified, later wrote:

> The patriot fresh from Freedom's councils come,
> Now pleased retires to lash his slaves at home;
> Or woo, perhaps, some black Aspasia's charms,
> And dream of freedom in his bondsmaid's arms.

As the years passed, few indeed were the voices raised

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publicly against slavery in the name of rights. Instead, many of those who were not economically dependent on slavery, and so disdained it, allowed the slaveholders to assert that they were the true defenders of property rights. The anti-slavery people grew to dislike the strict assertion of property rights; the defenders of slavery righteously invoked the right of property as their explicit defense.

In a historical description of slavery in the antebellum South, in the book *The Peculiar Institution,* Professor Kenneth M. Stampp quotes an editorial in the Austin, Texas *State Gazette,* December 18, 1858: "The same reason which would induce us to oppose a high protective tariff . . . leads us to protest against the fanatical laws passed to prohibit the African slave trade. We can distinguish no great difference between the trade in African negroes, and the trade in any other article of property. Nothing but sectional malice and narrow bigotry prevents the trade in slaves from being left to the great laws of commerce, which can best adjust the relation between supply and demand." (p. 272)

The institution of slavery had existed in this country prior to the Revolution, and the fact that it was already established admittedly posed some economic problems. Were those who had not chosen to live in a slave economy, but had inherited slaves, to be economically ruined? And what of the slaves themselves? Where were they to go; how were they to live? But the fact that slavery could not be dissolved casually without consideration of the consequences was confused with the "rights" of the slaveholders. The desire to enslave someone cannot be asserted as a right. If, when I am declaring my rights, what I mean is my right to enslave you--how can I defend this as a moral basis for a government? The fact that an innocent inheritor of slaves may be harmed by universal liberty should be

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no more of a consideration than the fact that an innocent inheritor of stolen property may be harmed by the property's return.

Avoiding the economic and moral problems posed by slavery did not solve them. Northern states dissolved the institution in time; Southern states did not. According to Kenneth Stampp, "Not because slave labor was unprofitable, but because they were given no choice, northern slaveholders accepted a domestic application of the principles which had justified resistance to British authority. During the 1780's, these states put slavery 'in the course of ultimate extinction,' usually through a system of gradual emancipation which took a generation to complete." (pp. 19-20)

Servitude of one sort or another was common in colonial days. Indentured servants whose contracts were sold on arrival to the highest bidder, transported felons serving out their time, and slaves from Africa--what was the difference? The crucial difference was that the felons had sentences, and the indentured servants had contracts, which limited their terms of service. In the seventeenth century, the status of the Negro slave was undefined, and it was often assumed that he was to be freed after a number of years, or upon his conversion to Christianity. But he had no contract.

And so, gradually, his status was defined by law, and his status became that of a chattel. In the 1660's, Maryland and Virginia passed statutes providing that Negroes were to be slaves for life and that this status was not changed by baptism. It was defined by statute that the child of a slave mother was a slave. In 1669, the Lords Proprietors of Carolina issued a constitution which established slavery in that colony. By 1750, Georgia had rescinded her original prohibition of slav-

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ery. The slave population in Southern colonies increased. Virginia landholders relied chiefly on white labor until the end of the seventeenth century--but by the time of the Revolution, half her population was slave.

By the eve of the Civil War, the problem had grown. There were six million white inhabitants of the South, owning three million slaves, which was a vested interest of hundreds of millions of dollars. The legal defining of the slave's lack of rights had continued. There were laws against the education of slaves, against social fraternization between whites and Negroes, against such an exercise of property rights as freeing one's own slaves. There were cruelties in the selling of slaves, in the training of slaves, in the daily lives of slaves which were widespread and which no one could totally ignore. But they *were* ignored, by brilliant political writers who supported slavery on the so-called moral basis of property rights. And finally, to protect these rights, the Southern states seceded from the Union. Jefferson Davis, the President of the Southern Confederacy, was a serious student of Adam Smith, John Locke, and Thomas Jefferson; in his inaugural address he invoked "honor and right and liberty and equality," and stated: "Our present political position has been achieved in a manner unprecedented in the history of nations. It illustrates the American idea that government rests on the consent of the governed, and that it is the right of all those to whom we would sell, and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of these commodities."

Meanwhile, Northern reformers were willing to cede the defense of property rights to the slaveholders. The main voices against slavery were the abolitionists, who preached civil disobedience, in the name of a higher moral law, to people called on to obey the Fugitive

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Slave Act. Books like Harriet Beecher Stowe's *Uncle Tom's Cabin* and Theodore Weld's *American Slavery as It Is* inflamed their audiences by depicting the cruelties of slavery. It was clear that a gross injustice had been institutionalized. But the South's position, so totally untenable in principle, was correct in law.

The laws were based on the Constitution, which in turn was supposedly based on the natural rights of man. Slavery had been recognized by the Constitution. It was ultimately the principle of rights that had to suffer for that fact.

The North could not take the position that the Confederacy was a tyranny--officially, slavery was totally legal. The North took the position that the Union was more important than States' Rights, which is a collectivist position. Historians may disagree on the journalistic causes of the Civil War, but it seems obvious that millions of Northerners were willing to fight for this position because of the issue of slavery.

The South, aided by the fatal Constitutional compromise, had an unimpeachable legal defense. The Dred Scott decision in 1857 held that a Negro "whose ancestors were . . . sold as slaves" had no rights as a Federal citizen, and that Congress had no power to prohibit slavery in the territories, as that would be a violation of the Fifth Amendment in that it would deprive slaveholders of their property without due process. Many a Northerner found it obvious that if the institution of slavery was defensible in the name of property rights, then property rights would have to be abrogated, and the slaves freed by force.

Thus the original contradiction had blossomed. Those who were technically tyrants were the avowed defenders of rights and constitutionality and free trade; while the advocates of expanded federal power had been enabled

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to pass the first draft laws, the first income tax laws, and to assert federal regulation of the iron, steel, textile and munitions industries in the name of defending "human" rights which were higher than the right to property.

There were those who held that the right to property was in fact exalted out of proportion by John Locke and by the Founding Fathers; that a rigid observance of property rights must inevitably lead to violations of the rights to life and liberty. One of the observers of the Civil War was a political exile living in London who had been the London correspondent of Horace Greeley's *Tribune* prior to 1862. His name was Karl Marx. He was to promote the pre-Lockean concept that property was not an individual right, but that nations and groups ideally should own land and possessions in common. He was by no means the only person to hold such a point of view; it had a long historical tradition, bolstered by certain passages in the Bible. This collectivist, statist view was now granted the status of an appeal to rights. Northerners in America, having been incensed by the cruelty of slavery, were ready to see little difference between the plight of a slave and the plight of a "wage-slave." Property rights had supposedly been abrogated in the name of humanity to save the slave--what answer was to be given to the collectivists who wished to question the rich factory owner's property right? It was not too long to the passage of the first anti-trust act.

But the right to property cannot be separated from the rights to life and liberty--they are in fact interconnected aspects of a view of the proper limitations of state power. The attempt to do so resulted in the erosion of all rights. The direct result of the South's defense of "property" was not only the permanent denial of life and liberty to one-third of its inhabitants,

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but the forcing of a garrison state upon the holders of such property. The laws not only defended a *right* to property in other people, it insisted upon property in other people. By the time of the Civil War, all the states of the Deep South had not only provisions in their state constitutions prohibiting the legislatures from freeing slaves, but laws against private manumission as well. Compulsory segregation, the prohibition of education for slaves, and like measures to ensure the safety of the society, served further to chain the slaveholder to his property.

Similarly, the failure of the North to identify the importance of the property right that had been so travestied in the South resulted in the gradual entrenchment of federal power and statism; and the War which gained its moral fervor from a supposed defense of the rights of life and liberty attacked those very rights by the wartime suspension of *habeas corpus* and the draft.

So we return to our first question, what happened to John Locke's brilliantly identified philosophy of the rights of man?

And here we find a surprising answer; an answer which illustrates anew the enormous importance of theoretical consistency in politics. Because, on closer examination, we find that what happened in American history to the ideas of John Locke was no more than John Locke deserved. The contradiction goes all the way back to him and his *Two Treatises of Government*.

In 1703, John Locke wrote to a young relative, "Property I have nowhere found more clearly explained, than in a book entitled, *Two Treatises of Government*." The editor of the most recent critical edition of the treatises, Peter Laslett, says of Locke's doctrine of property, "It remains an original document, particularly important in its bearing on the way men analysed social

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and political origins, and his own judgment on it must stand--no man has ever done quite this before or since." (John Locke, *Two Treatises of Government*, A critical edition with Introduction and Notes by Peter Laslett, p. 120) In 1932, which was the tercentenary of Locke's birth, Sir Ernest Barker wrote in an article in *The Times* Literary Supplement: "The Declaration of Independence with its initial appeal to 'The Laws of Nature and of Nature's God,' shows one side of Locke, who lived in American thought in 1776 even more than he lived in England. The deep sense of property evident in American thought, including even property in the person of others, showed another. The two sides had already been conjoined in Locke's draft of a constitution, for Carolina."

John Locke held, among other minor political offices, the secretaryship of the associated proprietors of the Colony of Carolina. He is the author (perhaps with the help of his friend and patron, Lord Shaftesbury) of the Carolina constitution mentioned previously as establishing slavery in that colony in 1669. In his *Second Treatise, Of Civil Government*, the document which most influenced the founders of the United States, John Locke later defended slavery as an institution: "But there is another sort of servants, which by a peculiar name we call *Slaves*, who being captives taken in a just War, are by the Right of Nature subjected to the Absolute Dominion and Arbitrary Power of their Masters. These Men having, as I say, forfeited their Lives, and with it their Liberties, and lost their Estates; and being in the *State of Slavery*, not capable of any Property, cannot in that state be considered as any part of *Civil Society;* the chief end whereof is the preservation of property." (*Of Civil Government*, paragraph *85*)

Says Peter Laslett of this and two other paragraphs in the *Second Treatise* which also justify slavery: "It

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may seem unnecessary, and inconsistent with his principles, but it must be remembered that he writes as the administrator of slave-owning colonies in America. As Leslie Stephen pointed out . . . the *Fundamental Constitutions of Carolina* provide that every freeman 'shall have absolute power and authority over his negro slaves.' . . . The Instructions to Governor Nicholson of Virginia, which Locke did so much to draft in 1698 . . . regard negro slaves as justifiably enslaved because they were captives taken in a just war, who had forfeited their lives 'by some Act that deserves Death.' . . . Locke seems satisfied that the forays of the Royal Africa Company were just wars of this sort, and that the negroes captured had committed such acts."

Even granting some persuasiveness to the argument that if one has forfeited his right to life one has forfeited other rights as well, nothing in this argument even attempts to justify such a contradiction as the concept of being born a slave, on which the economy of the South, including the Carolinas, was being led to base itself.

When one reads John Locke in a historical context of other influential political philosophers, he stands out like an island of defense of individual rights in a sea of centuries of collectivist thinking. Why didn't this concept transform the world and abolish tyranny forever? Why did collectivist attacks on individualism and private property flourish after John Locke, as well as before? Because he did not consider it vital to be totally consistent. And no one who put Locke's philosophy into practice corrected his fault.

--Joan Kennedy Taylor

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REVIEWS

Back To Nowhere

Utopia, by Sir Thomas More, translated and edited by H.V.S. Ogden, Appleton-Century-Crofts, Inc., New York, 1949 (paperback)

Sir Thomas More's *Utopia* was written over four hundred years ago and is still avidly read by college students and the intellectually curious who look for an ideal answer to the question of how man is to live in society. The very word "Utopia," which means, literally, "no where" or "no place," has a currency in our language as the perfect but unattainable state of existence where the solution to all the problems of society have been achieved. The fact that *Utopia* is still projected as an ideal state makes this book significant, for in More's *Utopia*, the solution is "pure" communism.

More was a devout Catholic who, in fact, chose to die rather than renounce the authority of the Pope in England. As Lord Chancellor to King Henry VIII, he refused to sign an oath of loyalty to the King and was convicted of treason. He was put to death in 1536. More was later made a saint of the Catholic Church for his martyrdom to the Christian faith.

Born in 1478 (the year the first book was printed in England), More lived during the transition period between the Middle Ages and the Renaissance. He is known as a "humanist," one of a group of men who studied the ancient writings of Greece and Rome, especially with regard to philology, scholarship, criticism, education and moral philosophy, and who therefore took a view of the world which, in contrast

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to the medieval view, was man-centered. More's study of Greek and Latin opened the door to the knowledge of the ancient world--and the philosophy of Plato. The similarity between Plato's *Republic* and More's *Utopia* has often been noted by scholars, and More gives Plato credit in his book.

During his lifetime, More held many important positions in the government, being a member of Parliament, an envoy, a court official and finally Lord Chancellor, succeeding Cardinal Wolsey in 1529.

More's justification for his service to the King was his hope for the end of tyranny and a renewal of the Christian faith through Church reform. But the forces of the Reformation were moving across Europe, and the year before More entered the service of the King, the German Martin Luther nailed his *Ninety-five Theses* to the door of the Wittenberg church. More spent much of his time defending the Catholic faith against Protestant reformers, but his efforts were doomed to failure. It is ironic that the King whom he served was the pivotal figure who overthrew the power of the Church in England for all time.

Utopia is not meant to be literally a program for a new social system, but as a "mirror" to the reader so that he might see himself and his world in contrast to an ideal world, the better to see his flaws. For this reason *Utopia* is similar to the pastoral poetry popular in More's era. This type of literature was generally written by sophisticated urban poets depicting an idealized country life. The country was presented as a place of innocence and health, peopled by eloquent shepherds, and proud and beautiful maidens, totally unlike the farmers and rustics of the day. One of the major functions of pastoral literature was to use this rural fiction as a criticism of the corrup-

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tion, sterility and falseness of life in the city or in the court. A similar function is served by the people in More's *Utopia*.

Book I of *Utopia* is written as a dialogue between Sir Thomas More and the fictitious Raphael Hythloday (whose name means "nonsense"), a learned voyager. It serves to introduce Book II in which Hythloday presents the wonders of Utopia, an island which enjoys the perfect social system. In Book I, Hythloday discusses several other systems (all monarchical) that he has observed in his travels, which offer only partial solutions to the ills of the world, and which are intended to present the reader with a setting of seemingly realistic circumstances so the subsequent description of Utopia in Book II will not seem exaggerated.

Hythloday denounces the power and wealth of a ruling aristocracy and shows its evil effects on the common man. Through Hythloday, More is calling attention to the injustices of his day, in which he saw the power of government used to increase the wealth of a prosperous few while the rest were oppressed by taxation. But More does not denounce the evils of this form of government as such; rather he sees private property as the cause of the injustice. His character Hythloday echoes More's belief:

"To speak plainly what is in my mind, as long as there is private property and while money is the standard of all things, I do not think that a nation can be governed either justly or happily: not justly, because the best things will fall to the worst men; nor happily, because all things will be divided among a few." (p. 25)

Thus More, through Hythloday, opens his attack on the concept of private property which is the dominant theme of *Utopia*.

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Hythloday reflects "on the wise and sacred institutions of the Utopians, who are so well governed with so few laws. Among them virtue has its own reward, yet everything is shared equally and every man lives in plenty. . . . As long as private property remains, the largest and far the best part of mankind will be oppressed with an inescapable load of cares and anxieties." (p. 25)

More then brings up this possible disagreement with Hythloday: "On the contrary, it seems to me that men cannot live well where all things are in common. How can there be plenty where every man stops working? The hope of gain will not drive him; he will rely on others and become lazy. If men are stirred by want, and yet no one can legally protect what he has earned, what can follow but continual bloodshed and turmoil, especially when the respect for and the authority of magistrates are lost? I cannot conceive of authority among men that are equal to one another in all things." (p. 26)

Good questions, indeed! And one wishes that Hythloday had had a different answer--he would have saved mankind centuries of "continual bloodshed and turmoil" which have been the inevitable result of the attempt to abolish private property.

But Hythloday instead of answering these objections offers a description of Utopia to show how desirable are the customs and institutions of the "perfect" society. This answer comprises Book II of *Utopia*, and it is in this section that the pastoral technique functions on two levels: 1) to present a picture of a stable, unchanging and benevolent society, and 2) to give sharp contrast to the corruption of court life in More's time.

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Utopia is a crescent-shaped island which was once attached to the mainland. But the conqueror and founder, King Utopus, separated the land by cutting a channel to isolate the country. There are 54 cities on the island, all alike and reminiscent of the city of London in More's time. No city is allowed to have over 6,000 households, and no household fewer than ten or more than sixteen adults. If there is a surplus or shortage of people in the cities, they are transferred to other cities or to the adjoining mainland where there is abundant land. However, "if the natives will not conform to their laws, they drive them out of the area they claim for themselves, waging war if they meet resistance. Indeed they account it a very just cause of war if a people possess land that they leave idle and uncultivated and refuse the use and occupancy of it to others who according to the laws of nature ought to be supported from it." (p. 38)

Their economy is primarily agricultural and the people are rotated at specified intervals from the city to the farm so that everyone shares in the production of food. This arrangement is to guarantee the plentifulness of food for everyone. A citizen must serve a two-year tour of duty on the farm.

In addition each citizen is trained in another skill, which he selects, such as cloth-working, masonry, metalworking or carpentry. Most citizens choose the skill of their fathers, although if one's interests lie elsewhere, "he is adopted into a family practicing the trade he prefers." (p. 34)

There is an established six-hour working day, and no one is permitted to be idle, with the exception of the learned men who are excused from farm work and from training in a skill. "From this class are chosen ambassadors, priests, tranibors [magistrates], and the

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prince himself." (p. 36)

The people are described as follows: "In body they are agile and lively, and stronger than their size suggests. . . . You may see them diligently doing what farmers usually do to improve poor soil by skill and labor. . . . They are quick to learn, good-natured, dexterous, and fond of leisure. They are able to endure labor when it is necessary, but are otherwise not very fond of it. In intellectual pursuits they are tireless." (p. 54)

They go to bed at eight, sleep eight hours, and the rest of their hours are free, "on the understanding that they shall not waste them idly and wantonly." (p. 34) They usually read, attend public lectures, spend an hour at recreation or spend their time at their trade, if they so desire. Everyone is expected to improve their minds so they will be better citizens for the commonwealth.

Goods are taken to a central marketplace. "Here the head of each household looks for what he needs, and takes what he wants without payment or obligation. Why should anything be refused him? There is enough of everything, and no fear that anyone will claim more than he needs. Why should anyone be suspected of asking for more than is necessary, when there is never any shortage? Men and animals alike are greedy and rapacious from fear of want. Only human pride glories in surpassing others in conspicuous consumption. For this kind of vice there is no room whatsoever in the Utopian way of life." (p. 38)

Meals are taken in public dining halls where the women of each family take turns preparing and serving the food.

No one may travel from city to city without permission

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from the prince. If one does go outside his district without permission, he is punished. If he repeats his offense, he is made a bondman. To travel in his own district, he must secure the permission of his father or his wife.

Bondmen are either citizens who have been sentenced for some crime or men of other nations who have been condemned to death and either bought by the Utopians or obtained free of charge. Utopians do not enslave the sons of their bondmen, nor any who were slaves among other nations. "Generally the most serious crimes are punished by bondage," but they do have a penalty of death for extreme cases. "Those who bear their bondage patiently are not left hopeless. After they have been tamed by long hardship, if they show by their repentance that their wrongdoing troubles them more than their punishment, their bondage is modified or remitted, sometimes by the prince's prerogative and sometimes by popular vote." (pp. 59-60)

"They have few laws, and such are their institutions that they need few. . . . As for lawyers . . . they have none at all. They maintain that it is better for each man to plead his own case. . . . Thus there is less delay, and the truth is brought out more readily. . . . All laws, according to their view, are promulgated for the single purpose of teaching each man his duty." (pp. 60-61)

Among the public servants in Utopia there is one official known as a phylarch, who is elected for a term of one year. Over each ten phylarchs there is a chief phylarch (200 in all), who also serves for one year. All the phylarchs choose the prince by secret ballot and he serves for life "unless he is suspected of trying to become a dictator." (p. 33) "The chief and almost the only business of the [phylarchs] is to see that no one sits around in idleness, and that

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everyone works hard at his trade." (p. 34) The chief phylarchs comprise the senate and judge crimes. "It is a rule that no decision on public business can be made unless the matter has been considered on three different days in the senate. It is a capital offense to consult together on public affairs outside the senate or the people's assembly. These provisions have been made so that the prince and the tranibors may not conspire together to change the government and enslave the people." (p. 33)

They do not make treaties with other nations, believing that "men are bound more adequately by good will than pacts. . . ." (p. 63) They "hate and detest war as a thing manifestly brutal," but "they go to war . . . only to protect their own territory or that of their friends if an enemy has invaded it, or to free some wretched people from tyrannous oppression and servitude." (p. 63) They are troubled if they gain a bloody victory, preferring to win by the strength of understanding.

They export their surplus goods and receive in exchange silver and gold. They "have a greater supply of these metals than you would believe possible." They either lend it to other peoples or use it for waging war by hiring mercenaries so their own citizens will not have to go to war. They do not keep their gold and silver in the form of treasure. They use it for chamber pots and stools, chains and fetters for their bondmen. "They hang gold rings from the ears of criminals, place gold rings on their fingers, gold collars around their necks, and gold crowns on their heads. Thus they hold gold and silver up to scorn in every way." (p. 44)

There are many different kinds of religion in Utopia, and Hythloday tells of how he introduced Christianity to the people, who were kindly disposed toward it. No man is made to suffer for his religious beliefs and in fact they count religious tolerance among their oldest

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institutions. In the early days, King Utopus made this law for the sake of peace, for there was much strife and hatred over religion. All believe in a Supreme Being and in life after death. Anyone who does not believe this is held in scorn and not allowed to express his views to the common people, although he may argue with priests and "other serious men."

The priests are the teachers of the young. "The priests make the greatest effort to inculcate sound beliefs and concepts into the malleable minds of the boys, in order to preserve the commonwealth." (p. 75) In their temples they do not preach one religion but only what would suit all their religions. "Public worship is performed in such a way as not to interfere with the private rites" of the different sects. (p. 77)

Thus Hythloday finishes his account of life in Utopia. He says that he believes that this is the best structure of a commonwealth, and the only one deserving of that name since it means the common good. "What greater riches can there be than to live cheerfully and serenely, free from all anxieties, without worries about making a living and unvexed by the complaints of one's wife about money?" (p. 80)

There are two important contexts in which to view More's *Utopia:* 1) the context in which it was written, and 2) the context of the twentieth century.

To view *Utopia* strictly as an attack on private property would be deceptive. In More's time, property was held by the ruling aristocracy; he saw the tyranny and oppression that were common in this semi-feudal society where wealth was in the hands of a few while the rest lived in poverty. Unfortunately, he saw as

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the only alternative a society in which property was divided equally among all the people. In this way, he believed all would benefit.

In the projection of his ideal Utopia, More denounced the inequality of wealth as such--in a time when wealth was thought to be a static commodity. He denounced slavery by strictly limiting it--in a time when it was common for generations of men to be owned by their feudal masters. He projected a six-hour working day for the citizens of Utopia--in a time when people worked long hours for nothing. He considered religious intolerance an evil--in a time when such intolerance was to result in his own death.

More was not projecting a tyranny, he was projecting a society that was seemingly more just than the one in which he lived. In these attitudes, More was being dangerously humanist--dangerous because he was questioning the foundations of his society.

But what is significant today is that some people still turn to *Utopia* as the model of an ideal state; they still turn to it as currently applicable social protest. More wrote *Utopia* in protest against a society that was characterized by tyranny and oppression. He did not predict the identification of rights, the emergence of capitalism and the industrialization of nations that was the result of this identification.

Today, the people who still admire a Utopian state must, necessarily, ignore or reject the concept of man's rights; must ignore or reject capitalism; must ignore or reject freedom. Today people should know better.

But there are some people who prefer not to know better. They can live in a society that is a product of the Enlightenment--and denounce its foundation.

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They can reap the benefits of capitalism--and long for a Utopian existence where no man has the right to his own life, where no man is rewarded for his ability, and where social order is preferred to freedom.

There *are* evils in the world today--the same ones that More denounced: tyranny and oppression. But today one should know that the evils are the result of government policies, not private property. This was true in More's time (although he did not identify it), and it is true today.

More was a humanist, living in a period of transition between the Middle Ages and the Enlightenment. It is a sad thing to realize that more than a century after the Enlightenment and in the society it helped to create, there are still people who haven't emerged from the Middle Ages.

--Elenore Boddy

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